

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MEDANA, Guido

SERIAL NO.: 10/624,215

FILED: July 22, 2003



ART UNIT: 2873

EXAMINER: Dang, H.X.

TITLE: SIMPLIFIED HINGING DEVICE AND TEMPLE BAR THEREBY OBTAINED,
PARTICULARLY FOR EYEGLOSS FRAMES

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of August 6, 2004, having a response being due by
November 8, 2004, please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 6 have been canceled and new
Claims 7 and 8 substituted therefor. Reconsideration of the rejections, in light of the foregoing
amendments and present remarks, is respectfully requested. The present amendments have been
entered for the purpose of distinguishing the present invention from the prior art and also for the
purpose of placing the application into a more proper U.S. format.

In the Office Action, it was indicated that Claims 1 - 6 were rejected under 35 U.S.C. §
103(a) as being obvious over the Fortini patent. Additionally, the claims were rejected under 35

U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As an overview to the present reply, Applicant has extensively amended the original claim language in the form of new independent Claim 7. New independent Claim 7 expresses the original limitations in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. In particular, Applicant has included language so as to describe each of the “terminations” as a “first longitudinal member” and a “second longitudinal member”. The first longitudinal member has been indicated as having a “throat section of a width that is less than a width of the first longitudinal member”. It is indicated that the end of the first longitudinal member is “bent such that said first and second holes are in axial alignment and in spaced relation”. The second longitudinal member has been defined as having “a throat section formed at a side of the first hole opposite one end of the longitudinal member”. The longitudinal members are indicated as being pivotable between a first position in side-by-side alignment with the first longitudinal member and a second position extending outwardly of one end of the first longitudinal member in longitudinal alignment therewith. It is also indicated that the throat section of the second longitudinal member “overlies” the throat section of the first longitudinal member when in the second position. It is also indicated that the end of the first longitudinal member has a generally U-shape.

Relative to the prior art Fortini patent, it can be seen that the longitudinal members of the spectacle frame include bent wire portions. One of the longitudinal members has circular bent wire portions 3x and 3y with a cross member 3z extending therebetween. Bent wire portions 3x and 3y define holes that are axially aligned. The cross member 3z is in the nature of a shoulder that extends

below the longitudinal member 3. A second longitudinal member 7 has a circular opening that is received between the bent wire portions 3x and 3y. As such, the second longitudinal member 7 can be rotated with respect to bent wire portions 3x and 3y so as to move between a position extending longitudinally extended outwardly of the longitudinal member 3 and a position positioned in parallel relationship and side-by-side relationship to the longitudinal member 3.

Unlike the present invention, the end of the first longitudinal member does not have a bend of a "generally" U-shape. The first longitudinal member 3 does not include the "throat section of a width less than the width of the first longitudinal member". The second longitudinal member 7 does not have a "throat section" positioned on a side of a first hole opposite the end. In use, the cross member 3z will serve as a stop to the rotatable movement of the first longitudinal member 7. In contrast, in the present invention, when the longitudinal members are in their second extended position, the throat section of the second longitudinal member will be received within the throat section at the end of the first longitudinal member. As a result, complete longitudinal alignment (as shown in Figure 2 of the original specification) can be achieved. The assembly of the present invention is a very efficient and effective technique. The present invention simply involves the forming of each of the longitudinal members, the bending of the end of the first longitudinal member, the insertion of the second longitudinal member within the bend of the first longitudinal member, and the insertion of a screw through the aligned holes. In contrast, the Fortini patent requires circular bending of each of the circular bent wire portions 3x and 3y and the bending of the circular portion of member 7. There is no throat sections which rest one received within the other. As such, the prior art Fortini patent does describe the structure of the present invention, the function of the present invention, nor the results achieved by the present invention. The structure of the

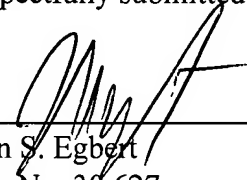
Fortini patent is a more complex and expensive approach to achieving the advantages of the present invention.

Applicant has introduced new dependent Claim 8 so as to define the "metallic" nature of the longitudinal members of the present invention.

Based upon the foregoing analysis, Applicant contends that independent Claim 7 is now in proper condition for allowance. Additionally, those claims which are dependent upon this independent claim should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

11-8-04
Date



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